

IN THE MAGISTRATE COURT OF WALTON COUNTY, STATE OF GEORGIA

Civil Action #: _____

PLAINTIFF:

Name

Address

City, State, Zip Code

(Area Code) Phone number

GARNISHEE:

Name and/or business name

Address

City, State, Zip Code

(Area Code) Phone number

DEFENDANT:

Name

Address

City, State, Zip Code

(Area Code) Phone Number

Amount claimed due by Plaintiff (to be completed by Plaintiff): \$ _____

Plus court costs due on the summons (to be completed by Clerk): \$ _____

*Court use only
Date/Time stamp filed*

SUMMONS OF GARNISHMENT UPON A FINANCIAL INSTITUTION
PURSUANT O.C.G.A. § 18-4-20

TO: _____, **GARNISHEE:**

YOU ARE HEREBY COMMANDED to hold immediately all property, money, wages, except what is exempt, belonging to the Defendant or debts owed to the Defendant named above at the time of service of this summons and between the time of service of this summons and the time of making your answer. Not sooner than thirty (30) days, but less than forty five (45) days after you are served with this summons, you are commanded to file your answer in writing with the Clerk of the Magistrate Court of Walton County and serve a copy upon the Plaintiff or his/her attorney named below. Money or other property subject to this summons should be delivered to the Court with your answer. Should you fail to answer this summons within the time prescribed by law, a judgment will be rendered against you for the amount the Plaintiff claims due by the Defendant.

WITNESS THE HONORABLE _____, Judge of the Magistrate Court, Walton County.

This _____ day of _____, 20_____.

Plaintiff/Plaintiff's attorney

Clerk/Deputy Clerk, Magistrate Court, Walton County

Plaintiff/Plaintiff's attorney address

INSTRUCTIONS
GARNISHEE

1. Answer cannot be filed sooner than thirty (s) days after service of Summons of Garnishment on the Garnishee and no later than forty five (45) days after date of service of Summons of Garnishment on the Garnishee, except as provided in #7 and #8 below.
2. File your answer at the: Walton County Magistrate Court
303 South Hammond Drive, Suite 116
Monroe, Georgia 30655
3. If you are not familiar wit the Georgia Law applying to Garnishment cases, consult an attorney or otherwise obtain correct information before paying the Defendant any sum after you have been served with this Summons of Garnishment (O.C.G.A. § 18-4-20).
4. A letter stating the Defendant is not employed by you is insufficient.
5. A SWORN affidavit must be filed with the Clerk of Court in the Magistrate Court.
6. Plaintiff, or attorney, is the only one who can authorize the Court to issue and relieve you of filing the answer to this summons.
7. Under circumstances where the Defendant has been an employee of the Garnishee, and if the Defendant is no longer employed by the Garnishee, and if the Garnishee has no money or property of the Defendant subject to garnishment, the Garnishee may immediately file an answer; however, such answer shall be filed not later than forty five (45) days after the service of the summons.
8. If the Garnishee is a bank or other financial institution and if the Defendant does not have an active account with, and is not the owner of any money or property in the possession, of the bank or financial institution, then the Garnishee may immediately file an answer; however, such answer shall be filed not later than forty five (45) days after the service of the summons.
9. The Garnishee shall be entitled to his/her actual reasonable expenses, including attorney's fees, in making a true answer of this garnishment. The amount so incurred shall be taxed in the bill of the costs and shall be paid by the party upon whom the cost is case, as costs are cast in other cases. The Garnishee may deduct \$25.00 or ten (10%) percent of the amount paid into Court, whichever is greater, not exceed \$50.00, as reasonable attorney's fees or expenses.
10. Failure of Garnishee to answer may result in Default Judgment against the Garnishee.

INSTRUCTIONS
DEFENDANT

1. Defendant has twenty (20) days from the date of service in which to file a petition or request a hearing to dissolve garnishment.
2. If you are not familiar wit the Georgia Law applying to Garnishment cases, consult an attorney or otherwise obtain correct information before proceeding in this matter. (O.C.G.A. § 18-4-20).
3. File your petition at the: Walton County Magistrate Court
303 South Hammond Drive, Suite 116
Monroe, Georgia 30655
4. Failure to file a petition within twenty (20) days after service of this summons will result in a conclusive presumption that the garnishment was properly issued.
5. A garnishment against the property and credits of the Defendant has been or will be served on the Garnishee.